

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.3613 of the)	MB Docket No. 18-4
Commission's Rules Regarding Filing of Contracts))	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION

The National Association of Broadcasters (NAB)¹ hereby replies to comments filed concerning the Commission's proposal to eliminate the filing requirement for paper contracts and other documents under Section 73.3613.² Elimination of this requirement is a sensible proposal to modernize the Commission's rules and streamline burdens on the Commission as well as licensees. We urge the Commission to reject efforts to needlessly complicate this straightforward, common-sense reform.

II. THE COMMISSION SHOULD ELIMINATE THE PAPER FILING RULE WITHOUT IMPOSING UNNECESSARY ADDITIONAL REQUIREMENTS

NAB commends the Commission's ongoing efforts to modernize media regulations by eliminating outdated rules. The paper filing requirement is a prime example of a rule that

¹ NAB is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Amendment of Section 73.3613 of the Commission's Rules Regarding Filing of Contracts*, Notice of Proposed Rulemaking, MB Docket Nos. 18-4, 17-105, FCC No. 18-8 (Jan. 30, 2018) (Notice).

has become redundant in light of technological change, particularly given the FCC's online public file rules.

At bottom, those commenters opposing the Commission's suggested reform do so because they believe that broadcasters' regulatory burdens should not be reduced on balance. For example, UCC *et al.* oppose elimination of the paper filing rule unless the FCC also modifies its public file rules to require stations to upload copies of agreements, rather than the up-to-date list of agreements the rules presently allow.³ UCC *et al.* claim that merely eliminating the paper filing rule without adding this new mandate will deny "prompt access to certain important ownership documents and contracts."⁴ Similarly, the American Cable Association (ACA) claims that eliminating the paper filing rule without making changes to other rules "will result in less transparency regarding broadcasters' ownership-related contracts."⁵ For every one burden eliminated, these advocacy groups seek to have another created.

In reality, maintaining paper files conveys no meaningful public interest benefit. It is administratively burdensome, wastes resources for both licensees and the Commission and is redundant in light of online public files.⁶

³ Comments of the Office of Communication, Inc. of the United Church of Christ Media Alliance, National Organization for Women Foundation, Communications Workers of America, Common Cause, Benton Foundation, Media Council Hawaii, Prometheus Radio Project and Media Mobilizing Project (UCC *et al.*), MB Docket Nos. 18-4 and 17-105, at 2 (March 19, 2018) (UCC *et al.* Comments).

⁴ UCC *et al.* Comments at 2.

⁵ Comments of the American Cable Association, MB Docket Nos. 18-4 and 17-105, at 3 (March 19, 2018) (ACA Comments).

⁶ Comments of Nexstar Broadcasting, Inc., MB Docket Nos. 18-4 and 17-105, at 2 (March 19, 2018); Letter from Kevin P. Latek to Marlene H. Dortch, MB Docket Nos. 18-4 and 17-105 (March 19, 2018).

ACA and UCC *et al.* also argue that the Commission should adopt additional requirements regarding the redaction of confidential or proprietary information if the FCC extends its rules allowing the redaction of TBAs and JSAs to other documents. UCC *et al.* claim that without additional guidance, broadcasters may make inappropriate redactions of material that is not properly considered confidential or proprietary.⁷ Of course, if the Commission concludes after actual experience with this rule that additional guidance would be helpful and would increase transparency, it can certainly provide such guidance. Additionally, the Commission retains the right to request unredacted copies of any such agreements at any time. Accordingly, it is unnecessary to adopt prophylactic measures based merely on UCC *et al.*'s suspicion that broadcasters will redact more than necessary.

For its part, ACA claims that allowing broadcasters to redact documents that are listed, but not actually posted, in their online files will somehow lead to extensive delays. ACA states that, “[i]f broadcasters need only provide ownership-related contracts ‘upon request,’ and *then* engage in inappropriate redactions, it could take MVPDs months to receive information to which they are unquestionably entitled.”⁸ This argument is misguided as it assumes that broadcasters would violate Commission rules. Broadcasters providing a list of contracts in their online public files must provide a copy within seven days if it is requested.⁹ Thus, if a broadcaster were to take “months” to redact the documents, it would run afoul of existing FCC regulations.

⁷ UCC *et al.* Comments at 5-6.

⁸ ACA Comments at 5.

⁹ 47 C.F.R. §§ 73.3526(e)(5), 73.3527(e)(4).

Predictably, ACA also argues that “information related in any way to retransmission consent should never be redacted.”¹⁰ ACA continues to demonstrate a Pavlovian insistence on raising retransmission consent in every possible proceeding before the Commission, whether or not it is relevant. Setting aside the fact that “information related in any way to retransmission consent” is obviously overbroad, ACA does not even attempt to explain why such information could never be considered confidential or proprietary – and thus subject to appropriate redactions.

At bottom, UCC *et al.* and ACA apparently cling to a philosophy that any broadcast regulatory reform should be subject to a sliding scale, where the reform of outdated rules must be matched with the fresh imposition of concomitant regulatory burdens. The Commission should reject this knee-jerk regulatory counterbalancing and simply eliminate this redundant and unnecessary rule.

III. CONCLUSION

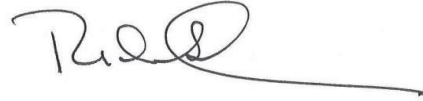
The FCC’s proposal to eliminate the paper filing requirement is a straightforward, timely idea that simply acts to streamline the Commission’s rules and minimize administrative burdens for both the Commission and licensees. We urge the Commission to move forward expeditiously and without adding fresh burdens to take the place of those eliminated.

¹⁰ ACA Comments at 6.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
Patrick McFadden

April 2, 2018